

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION

CHARLES BOHNERT,
on behalf of himself and
all others similarly situated,

Plaintiff,

Case No. 23-cv-141

v.

RB ROYAL INDUSTRIES, INC.,

Defendant.

**JOINT CIVIL L.R. 7(H) EXPEDITED NON-DISPOSITIVE MOTION TO EXTEND
CONDITIONAL CERTIFICATION DEADLINE AND TO CONTINUE TOLLING
LIMITATIONS PERIOD FOR PUTATIVE COLLECTIVE MEMBERS**

Plaintiff Charles Bohnert, by and through his counsel, Walcheske & Luzi, LLC, and Defendant RB Royal Industries, Inc., by and through its counsel, Michael Best & Friedrich LLP, respectfully and jointly seek an extension of the conditional certification deadline in this case and to continue to toll the limitations periods for putative collective members to the initial conditional certification deadline of November 3, 2023. In support of this Motion, the parties state as follows:

1. Presently, the deadline for Plaintiff to file his motion to conditionally certify a collective action class pursuant to the Fair Labor Standards Act is May 17, 2024;

2. As indicated in the parties' previous filing with the Court, in addition to the formal discovery already engaged in by the parties, the parties have been informally exchanging information. While the parties continue to do so, they have also begun arm's-length settlement negotiations that they are optimistic will result in the resolution of this litigation, a process that will take them beyond the present conditional certification filing date;

3. In order to allow the parties additional time to continue this process, the parties jointly request an extension of the conditional certification deadline to July 26, 2024;

4. The parties jointly request that the statute of limitations for putative members of the conditionally certified collective(s) continue to be tolled as of November 3, 2023, which was the initial deadline for Plaintiff's conditional certification motion, so as to protect and preserve the statutes of limitations applicable to such individuals; and

5. This is the parties' fourth request for an extension of the deadline for Plaintiff's conditional certification motion and for tolling of the statute of limitations. The parties' prior request was occasioned by the time it was taking Defendant to obtain and provide Plaintiff with certain necessary information to facilitate the potential resolution of this litigation. Defendant has since provided that information, which required analysis by the parties so as to competently engage in settlement negotiations. A comparison of the parties' analysis is ongoing, while they try to simultaneously negotiate a potential resolution to the matter. Given that the parties possess the requisite information, the parties anticipate that with the additional time requested by this Motion, they should be able to reach a compromise concerning their respective analyses, as well as this matter as a whole.

WHEREFORE, the parties respectfully request that this Court extend the conditional certification deadline to July 26, 2024, and continue to toll the limitations period applicable to putative members of the conditionally certified collective(s) as of November 3, 2023.

Dated this 15th day of May, 2024.

WALCHESKE & LUZI, LLC

Counsel for Plaintiff

s/ James A. Walcheske

James A. Walcheske, State Bar No. 1065635

WALCHESKE & LUZI, LLC

235 North Executive Drive, Suite 240

Brookfield, Wisconsin 53005

Email: jwalcheske@walcheskeluzi.com

Telephone: (262) 780-1953

MICHAEL BEST & FRIEDRICH LLP

Counsel for Defendant

s/ Paul E. Benson

Mitchell W. Quick, State Bar No. 1001493

Paul E. Benson, State Bar No. 1001457

MICHAEL BEST & FRIEDRICH LLP

790 North Water Street, Suite 2500

Milwaukee, Wisconsin 53202

Email: mquick@michaelbest.com

Telephone: (414) 225-2755

Email: pebenson@michaelbest.com

Telephone: (414) 225-2757